



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शनिवार, 05 दिसम्बर, 2020 / 14 मार्गशीर्ष, 1942

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Dated, 2020

No. Shram(A)3-10/2020 (Awards).—In exercise of the powers vested under section 17 of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Judge, Labour Court, Shimla on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No.	Reference/ Application	Title	Section
1.	App. 119 of 2017	Sh. Kanwar Singh & Anr <i>V/s</i> General Manager, M/s Secure Meters Ltd. & Anr.	33
2.	App. 120 of 2017	Secure Meters Workers Union <i>V/s</i> General Manager, M/s Secure Meters Ltd. & Anr.	33
3.	App. 131 of 2017	Sh. Madan Lal & 37 Ors <i>V/s</i> General Manager, M/s Secure Meters Ltd. & Anr.	33
4.	App. 156 of 2019	Secure Meters Workers Union <i>V/s</i> General Manager, M/s Secure Meters Ltd. & Anr.	33-A

By order,

KAMLESH KUMAR PANT, IAS
Principal Secretary (Lab. & Emp.).

**IN THE COURT OF CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Application No. 119 of 2017

Instituted on : 16.10.2017

Decided on 2.9.2020.

1. Kanwar Singh s/o Shri Kartar Chand, Employee No. 41964 M/s Secure Meters Ltd., Unit III, Barotiwala, District Solan, H.P.

2. Lakhvir Singh s/o Shri Ram Asra Employee No. 8809, M/s Secure Meters Ltd., Unit III, Barotiwala, District Solan, H.P. r/o Village Tipra, P.O Surajpur, Tehsil Baddi, District Solan, H.P.
. *Petitioners.*

VERSUS

1. M/s Secure Meters Ltd., Unit-III, Barotiwala, District Solan, H.P. through its General Manager.

2. The Factory Manager, Unit-II and Unit-III, M/s Secure Meters Ltd., Barotiwala, District Solan
. *Respondents.*

Application no. 120 of 2017

Instituted on : 16.10.2017

Decided on 2.9.2020.

Secure Meters Workers Union (INTUC), Regd. No. 1199, M/s Secure Meters Ltd., Unit-II and III, Barotiwala, District Solan, HP through its President and General Secretary. . *Petitioners.*

VERSUS

1. M/s Secure Meters Ltd., Unit-III, Barotiwala, District Solan, H.P. through its General Manager.

2. The Factory Manager, Unit-II and Unit-III, M/s Secure Meters Ltd., Barotiwala, District Solan . *Respondents.*

Application No. 131 of 2017

Instituted on : 19.11.2018

Decided on 2.9.2020.

1. MadanLal, Emp.no. 42101, s/o Sh. Sada Ram, Vill. Bhagolu, P.O. Patander, Sujanpur Tira, Distt. Hamirpur, H.P.-176111; Local Address -VPO Barotiwala, Near Petrol Pump, Tehsil Baddi, Distt. Solan (HP)-174103.

2. Ram Chander, Emp. No. 9062, s/o Sh. Tara Chand, Vill. BARAL, P.O. Baroti Sarkaghat, Distt. Mandi, H.P.-175040; Local Address-c/o Mr. Bhup Singh, Lower Tipra, VPO Barotiwala, Baddi, Distt. Solan (HP)-174103.

3. Surinder Kumar, Emp. No. 42118, s/o Sh. Khodlu Ram, Vill. Jassal, P.O. Jassal, Baroh Distt. Kangra, HP-176054, Local Address-c/o Jagar Singh, Village Kaduwana, P.O. Gullarwala, Tehsil Baddi Distt. Solan (H.P.)-173205.

4. Parveen Kumar Emp. No. 40337, S/o Sh. Rattan Chand, Vill. Tall, P.O. Lagru, Kundian, Distt. Kangra, H.P.-176031; Local Address- c/o Mr. Ram Lal (PTI), VPO Barotiwala, Baddi, Distt. Solan (H.P.)- 174103.

5. RamjiDass, Emp. No. 8738, s/o Sh. Shri Ram Thakur, Vill. Machhoun, P.O. Lagdaghat Nalagarh, Distt. Solan H.P.- 174102, Local Address- c/o Mr. Ram Chaudhary, VPO Barotiwala, Tehsil Baddi, Distt. Solan (H.P.)- 174103.

6. Sanjay Sharma, Emp. No. 8764, s/o Sh. Om Prakash, Vill. Dehlwin, P.O. Gahar Ghumarwin, Distt. Bilaspur, H.P.-174027, Local Address- c/o Mr. Pratap Singh, VPO Barotiwala, Tehsil Baddi, Distt. Solan (H.P.)- 174103.

7. Shambhu, Emp. No. 8978, s/o Sh. Rattan Chand, 98/118, Shanti Kunj, VPO Janyankar, Distt. Kangra, HP-176038; Local Address- C/o Mr.Hari Chand, Lower Tipra, VPO Barotiwala, Distt. Solan (H.P.)- 174103.

8. Raj Kumar, Emp. No. 41761, s/o Sh. Tulsi Ram, Vill. KothiKuhar, P.O. Koti Kohar, Baijnath, Distt. Kangra, H.P.-176127, Local Address-c/o Mr.Charu Ram, Vill. Majhotu, P.O. Surajpur, Tehsil Baddi, Distt. Solan (HP)-174103.

9. Suchha Ram, Emp. No. 42104, s/o Sh. Babu Ram, Vill. Kalujhinda, P.O. Mandhal, Kasauli, Distt. Solan, HP-174103.

10. Praveen Kumar, Emp. No. 8823, s/o Sh. Om Prakash, Vill. Jia, P.O. Jia, Palampur, Distt. Kangra, HP-176059; Local Address-c/o Late ShriSuchha Ram, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

11. Devi Chand, Emp. No. 40339, s/o Sh. Man Singh, Vill. Bani, P.O. Matami Arki, Distt. Solan, H.P.-173221; Local Address- c/o Mr.Amit Kumar, VPO Barotiwala, Baddi, Distt. Solan (HP)-174103.

12. Sunil Kumar, Emp. No. 41953, s/o Sh. Gurdial, Vill. Khulmi, P.O. Bhakra. Naina Devi Ji, Distt. Bilaspur, HP-174201; Local Address- c/o Pitambar Thakur, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)- 174103.

13. Ram Kumar, Emp. No. 8736, s/o Sh. Dev Raj, Vill. Thathal, P.O. Thathal, Amb, Distt. Una, HP-177211; Local Address-c/o Mr.Rakesh Kumar, Vill. Satiwala, P.O. Barotiwala Tehsil Baddi, Distt. Solan (HP)-174103.

14. Nand Lal, Emp. No. 40338, s/o Sh. Roop Ram, Vill. Jayalang, P.O. Kharhatt, Arki, Distt. Solan, HP-173207; Local Address-c/o Layak Ram, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

15. Vijay Kumar Emp. No. 8612, s/o Sh. Gurdial Singh, Vill. Andora, P.O. Andora, Amb, Distt. Una, HP-177203; Local Address- c/o Mr.Bablu, Vill. Satiwala, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

16. Gajan Singh, Emp. No. 40286, s/o Sh. Ujjawal, Vill. Mortu, P.O. Mehla Chamba, Distt. Chamba, HP-176311; Local Address- c/o Mr. Brij Lal, Vill. Satiwala, PO Barotiwala, Tehsil Baddi, Distt. Solan (HP)- 174103.

17. Sanish Kumar, Emp. No. 42115, S/o Sh. Dharam Chand, Vill. Ligga, P.O. Ligga, Salooni, Distt. Chamba, H.P.-176312; Local Address- c/o Ram Gopal, Vill. Satiwala, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)- 174103.

18. Brij Lal, Emp. No. 42116, s/o Sh. Houshiara Ram, Vill. Thadal, P.O. Singadhar, Salooni, Distt. Chamba, I H.P.176320; Local Address- c/o Het Ram, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

19. Babu Ram Emp. No. 40335, s/o Sh. Ramji Dass, Vill. Chalehi, P.O. Chalehi, Ghumarwin, Distt. Bilaspur, HP-174003; Local Address- c/o Mr. Ami Chand, Near Gas Agency, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

20. Kamal Kumar, Emp. No. 9065, s/o Sh. Puran Chand, Vill. Sunder Nagar, P.O. Sunder Nagar, Distt. Mandi, HP-174401; Local Address- c/o Mrs. Ram Kour, Vill. Lower Tipra, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)- 174103.

21. Mohan Lal, Emp. No. 8948, s/o Sh. Sant Ram, Vill. Bashol, P.O. Dehota, Kandaghat, Distt. Solan, HP-173207; Local Address-c/o Mr. Jai Pal, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

22. Vishal Kumar, Emp. No. 41965, s/o Sh. Hoshiar Singh, VPO Hatwas, Distt. Kangra, HP-176047; Local Address-c/o Sh. Desh Raj, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)- 174103.

23. Ganesh Kumar, Emp. No. 41959, s/o Sh. Hans Raj, Vill. Bhatoli, P.O. Balli, Dalhousie, Distt. Chamba, HP-176303; Local Address-c/o Sh. Bidhi Chand, Vill. Tipra, P.O. SurajPur, Barotiwala, Distt. Solan (HP)-174103.

24. Shiv Kumar, Emp. No. 9015, s/o Sh. Kewal Singh, Vill. Neri, P.O. Bhadan, Bhagana, Distt. Una, HP 174308; Local Address-c/o Mr. Partap Singh, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

25. Hem Raj, Emp. No. 8609, s/o Sh. Balbir Singh, Vill. Behli, P.O. Khillan, Nalagarh, Distt. Solan, HP-174101; Local Address-C/o Mr. Nand Lal, Vill. Sansiwala, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

26. Bunt Emp. No. 8747, s/o Sh. Prabhato, Vill. Motla, P.O. Dhulara, Bhatiyat, Distt. Chamba, HP-176207; Local Address- c/o Mr. Bhupender Singh, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

27. Vijay Kumar Emp. No. 8847, s/o Sh. Shiv Ram, Vill. Majeti, P.O. Majkhali, Ranikhet, Distt. Ranikhet, U.K.- 263652; Local Address-c/o Sh. Shyam Lal, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

28. Jeet Kumar, emp. No. 8836, s/o Sh. Rirku Ram, Vill. Darati. P.O. Lahla, Palampur, Distt. Kangra, HP-176059; Local Address-c/o Mr. Pratap Singh, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

29. Bandesh Kumar, Emp. No. 40322, s/o Sh. Mr. Pritho, Vill. Kakhal, P.O. Samra, Chamba, Distt. Chamba, HP-176311; Local Address- c/o Mr. Vinod Singla, Vill. Satiwala, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

30. Sanjay Kumar, Emp. No. 8848, s/o Sh. Lekh Raj, Vill. Ujhan, P.O. Didwin, Basar, Distt. Hamirpur, HP-177401; Local Address-c/o Mr. Kishan Chand, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

31. Harish Chander, Emp. No. 42106, S/o Sh. Trilok Chander, Vill. Pagsa, P.O. Kuwali, Almora, Distt. Almora, U.K.-263652; Local Address-c/o Mr. Shyam Lal, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

32. Subendu Nabik, Emp. No. 40402, s/o Sh. Sukhen Nabik, Vill. Paharpur, P.O. Buli Gokulpur, Distt. Murshidabad, W.B.-742302; Local Address-c/o Mr. Amar Singh, Vill. Kulhariwala, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

33. Ashok Kumar Thakur, Emp. No. 42102, s/o Sh. Chand, Vill. Kulharari Wala, P.O. Mandhala, Baddi, Distt. Solan, HP-174103.

34. Suresh Kumar, Emp. No. 41961, s/o Sh. Layak Ram, Vill. Haripur, P.O. Surajpur, Kasauli, Distt. Solan, HP-174103.

35. Vikram, Emp. No. 41203, S/o Sh. Karam Chand, Vill. Pallga, P.O. Bandla (Mehla), Distt. Chamba, HP-176320; Local Address-c/o Mr. Raj Kumar, VPO Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

36. Kamal Prasad, Emp. No. 41955, s/o Sh. Goufa Ram, Vill. Fahgri, P.O. Bandla, Distt. Chamba, HP- 176311; Local Address- c/o Mr. Kamal Jeet Thakur, Vill. Sansiwala P.O. Barotiwala, Tehsil Baddi, Distt. Solan (HP)-174103.

37. Nakesh Kumar, Emp. No. 40393, S/o Sh. Harnam Singh, Vill. Kardho, P.O. Kardho, Nadoun, Distt. Hamirpur, HP-177040; Local Address-c/o Mr. Janki Dass, VPO Barotiwal, Tehsil Baddi, Distt. Solan (HP)-174103.

38. Anoop Kumar Emp. No. 41201, s/o Sh. Tej Singh, Vill. Kahlo, P.O. Kiani, Distt. Chamba, HP-176310; Local Address- c/o Mr. Dharam Pal Sharma, VPO Barotiwal, Tehsil Baddi, Distt. Solan (HP)-174103. . *Petitioners.*

VERSUS

1. M/s Secure Meters Ltd., Unit-III, Barotiwal, District Solan, H.P. through its General Manager.

2. The Factory Manager, Unit-II and Unit-III, M/s Secure Meters Ltd., Barotiwal, District Solan. . *Respondents.*

Applications under section 33 of the Industrial Disputes Act, 1947

Application No. 156 of 2019

Instituted on: 6.11.2019

Decided on 2.9.2020

Workers union of Secure Meters Workers Union (INTUC), Regd., No. 119, Secure Meters Ltd., unit-II and III, Barotiwal, District Solan, H.P. through its President/General Secretary. . *Petitioner.*

VERSUS

1. M/s Secure Meters Ltd., Unit-III, Barotiwal, District Solan, HP through its General Manager.

2. The Factory Manager, Unit-II and Unit-III, M/s Secure Meters Ltd., Barotiwal, District Solan. . *Respondents.*

Petition under sections 33 and 33-A of the Industrial Disputes Act, 1947 for not seeking permission from the Competent Authority/Court before transferring and sending on deputation the workers and for setting aside the closer notice dated 31.10.2019 of unit no. III of Damowala plant and the termination orders of thirty-four workers working in the unit by the respondents during the pendency of the reference.

For petitioners/applicants: Shri R.K Khidta, Advocate.

For respondents : Shri N.S Chandel, Senior Advocate with Shri C.N Singh and H.R Thakur, Advocates.

ORDER

This order shall dispose of all the aforesaid four applications involving similar question of law and facts. All the four applications primarily seek protection under section 33 of the

Industrial Disputes Act, 1947 (hereinafter to be referred as the Act). Initially about thirty-eight workers came to be transferred while 2-3 workers were sent on deputation. Eventually, thirty-four workers were also terminated, in pursuance to the closure. All the workers have thus assailed the action of the respondent company being violative of section 33 of the Act. Application no. 120 of 2017 is not pressed by the Ld. Counsel as the individual workers have already espoused the same cause *vide* application No.119 of 2017.

FACTS IN BRIEF RELATING TO APPLICATIONS NO: -119 AND 120 OF 2017 AND APPLICATION NO. 131 OF 2018.

2. The petitioners herein are the workers of the respondent company. The two of them S/Shri Kanwar Singh and Lakhbir Singh in application No. 119 of 2017 came to be appointed at Unit-III Barotiwala/Damuwala while the thirty-eight workmen reflected in application No. 131 of 2018 are working as operators Grade-1, Grade-II and Grade-III for the last seven to ten years with the respondent company. As per these workers the two plants/units *i.e* unit-II and unit-III are situated very closely and are in operation.

3. During the entire tenure of their service, the work and performance of the workmen had always been very good. A long-term settlement had come to be entered interse the parties *w.e.f.* 1.4.2012 till 31.3.2015. A fresh long-term settlement was to be drawn after 1.4.2015. Consequently, the union had served a demand notice on the respondent on 5.2.2015 regarding the settlement, including enhancement of wages and other service conditions.

4. Since, no settlement could be arrived in terse the parties and even the conciliation proceedings had failed, the appropriate government had referred the matter to this court *vide* reference no. 11 of 2016, which is still pending adjudication.

5. The matter was also referred for mediation, to explore the possibilities of an amicable settlement, but in vain.

6. It is thus the case of the petitioners/workmen that the management started victimizing the workers and transferred some of the workers to distinct places by terming the same as a “deputation”. Shri Kanwar Singh, one of the petitioners in application No. 119 of 2017, was also a duly elected executive committee member. Even after his transfer the workmen had represented to the respondent management on 5.9.2017, requesting to stop such illegal transfers, but again to no avail.

7. Apart from the transfer of Kanwar Singh, the other thirty-eight workmen (mentioned in application No. 131 of 2018) have been transferred to Jaipur, Patna, Varanasi and Ranchi. The transfer orders have been placed on record as Annexure A-1 to Annexure A-39. The petitioner No. 1 Kanwar Singh in application No. 119 of 2017 was transferred to Agra while petitioner No. 2 therein had been transferred to Jhansi. The union too had taken up the cause of the two workmen, when they were threatened with further disciplinary proceedings.

8. It is thus the grouse of the petitioners that since reference No. 11 of 2016 was pending before this Court the management could not have changed the terms and conditions of service of the workmen, including the place of work of the petitioners without the express permission of this Court. The action of the respondents is thus stated to be violative of the provisions of the Act and also Rule 60 of the Industrial Rules (Central) 1957. The respondents could not have changed the condition of the service of the petitioners without the permission of this Court. The action of the respondents is further stated to be an “unfair labour practice”. No consent of the petitioners were sought as is envisaged in the Standing Orders.

9. The respondents are stated to have sufficient work available as more than 110 apprentices are still stated to be working with the respondent company. Three shifts are being run by the respondent with more than fifty workmen in “B” shift and 20 workmen in “C” shift. As there is no national cadre and the petitioners have been appointed in Barotiwala as such the terms and conditions of the services of the workmen are limited to the factory units situated at Barotiwala. The action of the respondent is thus further stated to be based on malafidies.

10. The petitioners thus pray that the impugned transfer orders be set aside, and the petitioners be allowed to continue to work at the same place and post, as they were working prior to their transfers. A direction is also sought that the respondents be further directed to pay their salary and other benefits payable from the date of the aforesaid transfers along-with any other consequential relief, as thought fit.

11. The application No. 120 of 2017 has been filed on the same cause but by the union, trying to espouse the cause of the petitioners in application No. 119 of 2017 *i.e* Kanwar Singh and Ors. Since the petitioners are already espousing their own cause, the learned counsel for the petitioner does not press the application No. 120 of 2017.

12. While filing reply to application No. 119 of 2017, the respondents have raised preliminary objections that the petitioners have not approached this Court with clean hands, and they have concealed material facts from this Court as they have not placed on record their deputation orders. Further as per the respondents the petitioners have not been transferred, rather they have been sent on deputation in conformity with the service conditions applicable to them. It is neither any punishment nor any dispute. The petitioners thus could not invoke jurisdiction under section 33 of the Act. Deputation is neither a change in service condition nor a punishment or an “unfair labour practice”, as alleged. It is further the case of the respondent that the petitioners have not been transferred, rather both of them have been deputed for a temporary period of three months at other establishments, owned by the respondent company in accordance with the law and in conformity with the Certified Standing Orders of the company. There is no illegality or infirmity in the deputation order nor is there any violation of section 33 of the Act. Consequently, the application under section 33 is baseless and liable to be rejected.

13. On merits too, the respondents have highlighted the same proposition while denying the assertions made in the application. As per the respondent for the smooth running of the establishment the management had taken some administrative decisions and consequently S/Shri Kanwar Singh and two other workmen were sent from Barotiwala to Agra, Jhansi and Kanpur respectively. The petitioners have been sent only to complete the assigned work at the place of deputation. After the completion of work, they would be called back. The deputation is an administrative decision of the company which is an inherent right of the management. It was for a definite and a specific period of time.

14. It is further the case of the respondent that the petitioners have not reported for duties at the deputed places and are absenting un-authorizedly till the date of filing of the reply. The respondent has also tried to portray that it is obligatory for an employee to comply with the reasonable orders of the management and adhere to the Rules and Regulations of the company and if the petitioners failed to comply with the orders passed by the company they have committed grave misconduct and made themselves liable for disciplinary action. The rest of the averments made in the application are also denied.

15. While filing reply to the application No. 131 of 2018, the respondents have apart from raising certain preliminary objections submitted that the petitioners have concealed material facts from this Court. Per the respondents since there was no work at Damuwala, the workers were

sitting idle for two months and as such the respondents after due consideration, more particularly relating to the concern of the workers transferred them to other places within the organization where vacancies exist. As per the respondent the persons who have been transferred prior to 1.11.2018 have already reported to their transferred places and they are performing their duties regularly. Even out of forty (including thirty-eight petitioners) transferred on 1.11.2018, half of them have reported at their transferred place. Thirty-five workmen had been adjusted at the Bated plant. The petitioners have also concealed that twenty-four employees/workers who were transferred at the second stage, twenty-one have re-joined while three others had resigned. As per the respondent, only twenty-one transferred workers are left, who have preferred the application at the instigation of the union. The respondent has placed the table of the workers who have reported/not reported at the transferred places.

16. While raising preliminary objections the respondents have *inter-alia* raised preliminary objections that no interim relief can be granted under section 33-A of the Act. It is further the grouse of the respondent that transfer is an exigency of service and an employee once transferred as per the terms and conditions of service and the certified standing orders cannot be violative of section 33 of the Act. Transfer is not a change in service condition and as such the provisions of section 33 cannot be invoked.

17. The text and tenor of the reply on merits is also the same. It is however not denied that a reference on the general demands is pending adjudication and is listed for the evidence of the workmen. It is denied that the management had victimized the workers by transferring them to other locations and sending them on deputation. It was reiterated that there was no work in the Damuwala Unit (unit-III) since long and hence the management had transferred and deputed workers to different places. In the process forty workmen were transferred to its different units vide transfer order dated 1.11.2018. Maximum possible number of workers were adjusted in the Bated Unit (Unit-II) and other remaining workers were transferred to other units so that the families of the workers could be saved from any untoward situation. The notice of transfers was duly displayed at the notice board situated at the factory gate and they had been relieved from their respective duties on 2.11.2018. They had been given ten days' time to report for duty. However, they were asked to report for duties on or before 19.11.2018, thus, they were effectively given more than fifteen days' time to report for duty at the transferred place. The workers had been specifically apprised that there will be no adverse impact upon their service conditions even after their transfer. They had also been informed about their entitlements of travelling allowance. Since, the workers had been transferred, which is an exigency of service, the application under section 33 was not tenable. The respondent thus prays that the application be dismissed being devoid of any merits.

FACTS IN BRIEF RELATING TO APPLICATION NO: 156 OF 2019:

18. By way of the present application the thirty-four workers who stand transferred have espoused their cause by moving a similar application under section 33/33-A of the Act, though through the union. In this application it is averred by the union that the workers had raised certain demands on 5.1.2015 relating to proposed long term settlement, which is already pending adjudication before this Court vide reference no. 11 of 2016, as was the cause in the earlier applications.

19. As per the union during the pendency of the reference the respondent company had transferred thirty-eight workers from Unit no. III i.e. Damuwala plant to some other States vide transfer order dated 1.1.2018 (which already stands challenged by way of similar proceedings in application No. 131 of 2018) and two persons were sent on deputation basis on 31.8.2017 (application No. 119 of 2017). Thereupon the respondent started shifting the machinery from

Unit-II and Unit-III in Barotiwala to other units situated at Udaipur in Rajasthan and Sanand in Gujrat, just to frustrate the right of the workers. The complaint filed by thirty-eight and three other workers respectively is already pending adjudication before this Court.

20. It is averred by the petitioners that the very intention of the respondent company to shift the company from Barotiwala to other States, is just with the avowed objectives of teaching a lesson to the workers and further to pressurize the workers to withdraw their lawful demands involved in reference no. 11 of 2016.

21. It is further the case of the petitioner union that the objective of the respondents ineventually closing the unit-III in Damuwala, *vide* closure notice dated 31.10.2019 and terminating the services of thirty-four workers working in the said unit is not bonafide. More particularly as the unit was a profit making venture as is clear from the statement of Shri Sanjay Suman Shrivastva recorded in reference No. 11 of 2019 on 9.8.2019. The closer notice and the termination letters of the workers have been placed on record as Annexures PX-7 to Annexure PX-42.

22. It is thus the case of the petitioner union that the closure of the unit by the respondent and the termination of the workers thereof without complying the mandatory provisions of the Act is totally illegal and a clear cut violation of sections 9-A and section 33 of the Act. The respondent had not taken any permission/approval as required under law from the competent authority as such the closure of the unit and the termination of the thirty-four workers is illegal in the eyes of law. Earlier, about 150 to 275 workers were working in the unit and presently there are seventy-two workers in the unit. The respondents had failed to seek any permission from the Court or the competent authority though they were fully aware about the pendency of the dispute. The action of the respondent is also an “unfair trade practice” and the thirty-four workers are thus entitled to be reinstated at the same place as they were working earlier.

23. The petitioner union thus pray that the application be allowed and the closure notice dated 31.10.2019 and the termination order thereof be set aside and quashed and all the thirty four workers as per the list attached be allowed to work as operators, as they were working prior to their termination.

24. While contesting the application the respondents have inter-alia raised preliminary objections *vis-à-vis* maintainability, estoppel, concealment of material facts and the application being an abuse of the process of the Court. The issue being raised in the present application being foreign and a distinct issue and beyond the scope of reference.

25. On merits, it is admitted that the demands raised by the workers union on 5.1.2015 are subjudice before this Tribunal and even before the Hon’ble High Court of HP in CWP No. 2935 of 2019.

26. However, it is the case of the respondent that since the production volume declined at Damowala unit, the respondent company in the best interest of the workers and with the sole aim of protecting their employment, transferred forty workers (wrongly mentioned thirty eight in the application) to other units of the respondent company located in different parts of the country on 1.11.2018 and seven persons were sent on deputation vide letters dated 31.8.2017 and 13.9.2017. The transfer/deputation lists have been placed on record as Annexure R-2 & Annexure R-3. The transfer of the said persons is stated to be in the best interest of the workers and with the aim of protecting their employment. It is admitted that some machinery was indeed transferred to Udaipur and Sanand along-with few workmen as the company could not afford to keep the machines idle at Damuwala. The shifting was not in any way to frustrate the

workers of the unit. As per the respondents out of forty workers, nineteen workers had joined the duty and also availed the transfer allowances as per rules. However, nine workers out of nineteen workers left from the said locations whereas three workers have resigned, and seven workers are still working at the transferred places. Per the respondent the workers had been transferred in conformity with their appointments letters and standing orders.

27. Further per the respondent the production activity in Damuwala unit during last twelve months has been nil as is clear from Annexure R-7. The workers were paid salary for twelve months without any work and since the company could not afford to pay wages to the workers without any work for an infinite period, the respondent took a decision to close the unit while complying with the provisions of the Act.

28. It is thus the case of the respondent that the termination of the services of thirty-four workers is the direct outcome of the closure of the unit. Each of the workers had been paid more than what is required to be paid under section 25-FFF of the Act. The respondents have paid the following wages to each workers:

- (a) Wages of October, 2019
- (b) LTA/Medical
- (c) Bonus for FY 2019-20
- (d) Gratuity
- (e) Wages of one month in lieu of notice.
- (f) 15 days closure compensation for every completed year of service.
- (g) Special ex-gratia of Rs. 25000/-.

The amount is stated to have been paid to all the workers through their bank accounts as per the details given in Annexure R-8, annexed along-with.

29. It is also the case of the respondents that on an average the workers working on any day at Damuwala was less than fifty. The respondent thus pray that the application is liable to be dismissed being devoid of any merits.

30. While filing rejoinder, the petitioner controverted the averments in the reply filed by respondent and further reiterated those in the statement of claim.

31. During the course of proceedings, report from the Labour Officer had also been sought as to whether the respondent had taken steps for effecting closure of its unit as per the Act which also stands filed.

32. The question which thus arises for consideration/determination in the present proceedings may be succinctly put thus:

1. Whether the action of the respondent company in transferring and terminating the workmen resulting in the change of their service conditions and that too without seeking the express permission of this Court as per the provisions of section 33 of the Act, as alleged by the applicants/petitioners is illegal, arbitrary and against the statutory provisions of the Act? If so, its effect thereto? . . . OPA.

2. Relief:

33. Neither of the parties have adduced any oral evidence but have relied only upon documents placed on record before this Court.

34. I have heard the learned counsel for the parties and gone through the record minutely.

35. The learned counsel for the petitioners/ applicants has not pressed application No. 120 of 2017 as the workers have already espoused the said cause by moving an application No. 119 of 2017. The application No. 120 of 2017 is thus dismissed as having not been pressed.

36. It would be apposite to first and foremost deliberate upon application No. 156 of 2019, whereby the workmen have assailed their termination, being violative of the provisions of section 33 and have also sought to quash the closure notice dated 31.10.2019 in respect of unit No. III (Damowala plant) and the termination of the thirty four workers of the even date, without seeking the permission of this Tribunal.

37. Though the respondent company has in its preliminary objections *inter-alia*, tried to portray that closure of the said unit is foreign issue *vis-à-vis* the dispute pending adjudication before this Tribunal. It is, however, not denied on merits that the union had raised demand on 5.1.2015 relating to a long-term settlement which is undoubtedly subjudice before this Court and before the Hon'ble High Court (CWP No.2935/2019).

38. In fact the dispute emanating from the demand notice dated 5.1.2015, undoubtedly related to a long term settlement, which included the other demands of the workmen including pay hike, payment of bonus link to productivity, leave, insurance policy, change of shift and other service conditions. The said reference is pending adjudication before this Court.

39. In the present application the respondent company has specifically taken a stand that since the production volume has declined in the Damowala unit, the respondent company in the best interest of the workers transferred forty workers to other working units of the respondent company, located in different parts of the country on 1.11.2018 and seven persons were sent on deputation *vide* letters dated 31.8.2017 and 13.9.2017. (These issues have been espoused in application No. 119 and 131 of 2017), and since the production activity in the Damowala unit during the last twelve months was nill, the respondent company had taken a decision to close the unit while complying with the provisions of the Act. Consequently, each of the workers have been paid more than what was required to be paid under section 25-FFF of the Act. The amount already stands paid to all the worker and have been deposited in their Bank Accounts, as per the details given in annexure R-8. The respondent company has also placed on record the production activity *vide* annexure R-7.

40. In the present application the stand of the respondent thus is that since they have affected closure of the unit under the provisions of section 25-FFF of the Act, the protection of section 33 is not available to the workmen and the specific permission of this Court was not necessary.

41. Suffice it to state at this stage that in the other two applications, the workers had been transferred/sent on deputation by the respondent company in 2017 and 2018 to different parts of the country and while doing so too, no specific permission had been sought by the respondent from this Court, despite the pendency of reference no. 11 of 2016.

42. Since, the respondent have raised the plea that the unit had itself been closed and they have resorted to the provisions of closure, the industrial unit itself has ceased to exist. The question thus, which comes to the fore is whether as a consequence of the closure it is otiose to talk of alteration of the condition of service of the workmen. No doubt section 33 of the Act has been enacted with an object to ensure fair terms to the workmen, but the law holding the field suggests that a bonafide closure of business cannot be considered to be a contravention of section 33 of the Act.

43. As far back as 1957, the **Hon'ble Supreme Court in Banaras Ice Factory Ltd., Vs. Its Workmen (AIR 1957 S.C. 168)** had gone on to hold that an employer has a right to close his business and if he does so bonafide and, with the result that the industry itself ceased to exist, the protection under section 22 (as it was then and almost analogues to section 33). If there was no real closure or it was malafide, there is no closure in the eyes of law and the workmen can raise an industrial dispute. Not only the word "discharge" accruing in the said section held to be a termination of service on a real and bonafide closure of business. In fact the judgment deliberated on all the four corners of section 33 i.e alteration, discharge and punishment.

44. The said view was further affirmed by the **Hon'ble Supreme Court in Tea Districts Labour Association, Calcutta Vs. Ex-employees of Tea Districts Labour Association and another (AIR 1960 S.C 815).**

45. Though the petitioners have pleaded in their application that the unit was a profit making unit as was clear from the statement of one Shri Sanjay Suman Shrivastava recorded in reference No. 11 of 2016 on 9.8.2019 and that the thirty four workers have been terminated without complying the mandatory provisions of the Act, but, the respondent while averring that the termination was merely a direct outcome of the closure of the unit, placed on record the production volume of the unit from October 2018 to October 2019 (Annexure R-7), showing the production as nill and even placed on record the amount paid to the workmen as per the provisions of section 25-FFF, vide Annexure R-8.

46. Apart from this nothing has been pleaded to show that the action of the respondent was not bonafide or it was a malafide exercise of power and that too with some ulterior motive.

47. In view of the law laid down by the Hon'ble Apex Court, as discussed hereinabove, I am constrained but to hold that the protection of section 33 undoubtedly is not available to the workmen in case of "closure", and since the workmen in the aforesaid application have been terminated in view of the closure of the unit no effective relief can be granted in the present application. It is held accordingly.

48. Now advertng to the other two applications filed by the petitioners *i.e.* application no. 119 of 2017 and application no. 131 of 2018. In the aforesaid two applications the grouse of the workmen is the same except that in the two petitions the workmen had been transferred/sent on deputation during the pendency of the reference No. 11 of 2016 and that too without seeking the express permission of this Court. No doubt in the earlier applications the workmen had been terminated because of closure but in these two applications the workmen had been transferred/ sent on deputation during the pendency of the aforesaid reference and that too without seeking permission of this Court.

49. The case of the petitioners simplicitor was that the respondent had been victimizing the workmen by sending them to different places. In application no. 119 of 2017 petitioners S/ShriKanwar Singh and Lakhbir Singh who were also duly elected members of the executive

committee of the workers union were transferred, rather sent on deputation but the deputation has never ended till date. In application no. 131 of 2018 thirty nine workers had been transferred to places as far as Jaipur, Patna, Varanasi and Ranchi.

50. While contesting the applications the respondent respondents have averred that transfer being an exigency of service, it could not be termed as punishment and neither it was a change in service condition or an “unfair labour practice”. In application No. 119 of 2017 petitioners Kanwar Singh and Lakhbir Singh had only been sent on deputation and that too for a temporary period of three months. After the completion of work they would be called back.

51. In application No. 131 of 2018 the respondents sought to raise an issue that since the workers were sitting idle for two months in the unit they had been transferred to other placed within the organization where vacancies exists. As per the respondent the persons who had been earlier transferred *i.e.* prior to 1.11.2018 have already reported for duty. Out of the forty workers which is under challenge in application No. 131 of 2018, half of them have reported at their transferred places. Thirty five workmen had been adjusted at Bated plant. As per the respondent only twenty one transferred workers are left who have preferred the application at the instigation of the union.

52. The respondents have further averred that the workers had been given ten days time to report for duty. The workers had also been apprized that there will be no adverse impact upon their service condition even after their transfer. They had also been informed about their entitlement for travelling allowance.

53. What thus comes to the fore is that admittedly the workers *i.e.* Kanwar Singh and Lakhbir Singh (in application No. 119 of 2017) and forty workers (in application No. 131 of 2018) were transferred by the respondent company. As per the respondent the transfer being an exigency of service would not entail alteration of service conditions and as such the application under section 33 is not tenable.

54. Undoubtedly, there is a clear prohibition under section 33 (1)(a) against altering condition of service by the employer, which reads thus:

“33 (1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding;

XXXXXXXXXXXXXXXXXXXX

Save with the express permission in writing of the authority before which the proceeding is pending.”

55. The Hon’ble Supreme Court in Bhavanagar Municipality Vs. Alibhai Karimbhai and Ors. (AIR 1977 (SC) 1229) has in no uncertain terms held that the conditions of employment, however must subsist during the pendency of the dispute before the Tribunal and

cannot be altered to their prejudice by putting an end to that temporary condition. This could have been done only with the express permission of the Tribunal.

56. It is thus clear that alteration of service condition and even a rupture in employment without the prior sanction of the Tribunal will set at naught the object of section 33, which is primarily ment to maintain status-quo during the pendency of the reference.

57. Seeking the assistance of the aforesaid ratio laid down by the **Hon'ble Supreme Court, the Hon'ble High Court of Karnataka in M/s Madura Coats Pvt. Ltd., Rep. by its Manager Vs. The Workmen of M/s Madura Coats Pvt. Ltd. Rep. by Madura Coats Employees Union (2011 LLR 81)** has further gone to hold that even a transfer is a violation of service conditions.

58. No doubt in normal circumstances transfer is an exigency of service and Courts are loathe in interfering in such case. A case of transfer simplicitor may not strictly even fall within the domain of "unfair labour practice" as is envisaged under Schedule –IV of the Act, but, in the case in hand not only have the transfers being done without seeking the permission of this Court, as admittedly reference no. 11 of 2016 was pending adjudication before this Tribunal, but, ex-facie the action was and is with a purported objective of victimizing the workmen and that too for having approached this Court for the redressal of their grievances.

59. It is fortified by the assertion of the respondents themselves while filling reply in application No. 156 of 2019. The respondent company has itself averred in the reply that out of forty workers, nineteen workers had joined duty on transfer, however nine workers out of them have left and three have resigned. So, only seven workmen have joined on transfer. This fact itself speaks volumes about the bonafidies of the respondent company.

60. In the aforesaid circumstances it was all the more incumbent upon the respondents to have at least sought formal permission from this Court before ordering the transfers. Though, the learned counsel for the respondent company has vociferously placed reliance upon the judgment of **Hon'ble Supreme Court titled as Rajneesh Khajuria Vs. M/s Wockhardt Ltd. And Anr. [(Civil Appeal No. 8989 of 2019) (arising out of SLP (Civil) no. 6692 of 2015)] dated 15.1.2020.** I am afraid the ratio of the aforesaid judgment does not auger to the benefits of the respondent company as in the present case it is not a transfer simplicitor which has been assailed before this Tribunal nor is it anyone's case that the question of termination has arisen as a consequence of the order of transfer, as was the case therein. It is a case of not seeking permission under section 33 of the Act for affecting transfers during the pendency of the reference.

61. On the contrary all the features adumbrated by the Hon'ble Supreme Court in Bhavnagar's case discussed hereinabove supra are ex-facie visible on record which may again be reproduced for sake of convenience.

"In order to attract section 33(1)(a), the following features must be present: (1) There is a proceeding in respect of an industrial dispute pending before the Tribunal. (2) Conditions of service of the workmen applicable immediately before the commencement of the Tribunal proceeding are altered. (3) The alteration of the conditions of service is in regard to a matter connected with the pending industrial dispute. (4) The workmen whose conditions of service are altered are concerned in the pending industrial dispute. (5) The alteration of the conditions of service is to the prejudice of the workmen.

62. All the aforesaid conditions are admittedly present in this case. Reference No. 11 of 2016 was pending adjudication before this Tribunal and even the workmen who had been transferred were actively concerned in the pending industrial dispute. The transfers not being a simple administrative exercise, was carried out without seeking the permission of this Tribunal. It would necessarily imply a change of service condition and that too, to the prejudice of the workmen. In fact a simple application for permission would have only entailed a delay in affecting transfers and nothing beyond it. Had the respondent been cautious enough to seek permission which is a condition precedent under section 33 of the Act, the object being principally directed to preserve the status-quo in the industrial establishment, the respondent company could have saved this day. In the present case admittedly the respondent did not approach this Court for seeking permission for effecting the aforesaid transfers. What stopped the respondents from moving a simple application for transferring the workmen and that too when they were appearing regularly in Reference No. 11 of 2016, is difficult to comprehend.

63. For all the aforesaid reasons discussed hereinabove I am of the considered view that the action of the respondent company in not seeking the permission of this Court before affecting transfer of the petitioners in application No. 119 of 2017 and in application No. 131 of 2018 is against the provisions of section 33 of the Act. The action of the respondent company is not sustainable in the eyes of law. As a sequel thereto the transfer orders issued by the respondent company are quashed and set aside. The transfer orders are held to be in violation of section 33 (1)(a) of the Act. In normal circumstances this Tribunal would have directed the respondent to re-engage the petitioners in the same place and post as they were working prior to their transfers. Seeing to the fact that the unit has since ceased to exist, this Tribunal is left with no other option but to award lump sum compensation to the workmen. It is thus ordered that the respondent company shall pay a lump sum compensation of Rs. 2.5 lakhs to each of the workmen in application no. 119 of 2017 i.e. Lakhbir Singh and Kanwar Singh and twenty one workmen reflected in application no. 131 of 2017, who are admitted by the respondent company to not have reported at the transferred places. The amount of compensation has been quantified taking into view the long period the workmen were left jobless because of the transfers i.e. since 2016-2017. The amount so awarded shall be inclusive of the dues payable for the aforesaid interregnum i.e. for the period they were under transfer. The respondent shall also pay the statutory benefits payable to the aforesaid workmen under the provisions of the Labour Laws like PF and Gratuity. The amount shall be paid within forty five days of the publication of this order, failing which the respondent shall pay interest @ 9% per annum from the date of award till its realization. The other applications i.e. application No. 120 of 2017 and application No. 156 of 2019 are, however dismissed.

64. The applications are disposed off in the aforesaid terms. There shall be no orders as to costs. A copy of this order be sent to the appropriate government for publication in the official gazette. A copy of this order be placed on all the applications disposed off vide this order. File, after completion, be consigned to records.

Announced in the open Court today this 2nd Day of September, 2020.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-Labour Court, Shimla.

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Balh,
District Mandi (H.P.)**

In the matter of :

1. Sh. Rajesh Kumar Arora s/o Sh. Nand Lal Arora, r/o Village Bagla, P. O. Nagchala, Tehsil Balh, District Mandi (H. P.).

2. Smt. Rashi Arora d/o Shri Bhadar Singh, r/o Village & P. O. Kummi, Tehsil Balh, District Mandi, H.P. at present w/o Sh. Chhuta Chhoedak s/o Sh. Wangchuk r/o Village & P. O. Rewalsar, Tehsil Balh, District Mandi (H. P.).

Versus

General Public

Subject.—Application for the registration of Marriage under section 15 of Special Marriage Act, 1954.

Sh. Rajesh Kumar Arora s/o Sh. Nand Lal Arora, r/o Village Bagla, P. O. Nagchala, Tehsil Balh, District Mandi (H. P.) and Smt. Rashi Arora d/o Shri Bhadar Singh, r/o Village & P. O. Kummi, Tehsil Balh, District Mandi, H.P. at present w/o Sh. Chhuta Chhoedak s/o Sh. Wangchuk r/o Village & P. O. Rewalsar, Tehsil Balh, District Mandi (H. P.) under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 02-04-2001 according to Hindu rites and customs at Village Bagla, P. O. Nagchala, Tehsil Balh, District Mandi (H. P.) and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that if any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 07-12-2020. After that no objection will be entertained and marriage will be registered.

Issued today on 07th November, 2020 under my hand and seal of the court.

Seal.

Sd/-

Marriage Officer-cum-Sub-Divisional Magistrate,
Balh, District Mandi (H.P.).

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,
District Mandi (H.P.)**

In the matter of :

1. Gurdev s/o Sh. Jeevan Singh, Village Janed, P.O. Marathu, Tehsil Sadar, District Mandi (H.P.).

2. Madhu d/o Sh. Mast Ram, Village Gihula P.O. Majhwar, Tehsil Sadar, District Mandi (H.P.) . . Applicants.

*Versus**General Public*

Subject.—Application for the registration of Marriage under section 15 of Special Marriage Act, 1954.

Gurdev s/o Sh. Jeevan Singh, Village Janed, P.O. Marathu, Tehsil Sadar, District Mandi (H.P.) and Madhu d/o Sh. Mast Ram, Village Gihula P.O. Majhwar, Tehsil Sadar, District Mandi (H.P.) (at present w/o Sh. Gurdev s/o Sh. Jeevan Singh, Village Janed, P.O. Marathu, Tehsil Sadar, District Mandi (H.P.)) have filed an application alongwith affidavits in the court of undersigned under Section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 17-04-2020 according to Hindu rites and customs at their respective houses, and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 12-12-2020 after that no objection will be entertained and marriage will be registered.

Issued today on 13th day of November, 2020 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar, District Mandi (H.P.).*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,
District Mandi (H.P.)**

In the matter of :

1. Naveen Kumar s/o Late Sh. Ludermani, r/o Village Sadoh, P.O. Baryara Tehsil Kotli, District Mandi (H.P.).

2. Rashmi Devi d/o Late Sh. Ramesh, Village Gatarvag (Fatehwan), P.O. Talyahar, Tehsil Sadar, District Mandi (H.P.)
.. Applicants.

Versus

General Public

Subject.—Application for the registration of Marriage under section 15 of Special Marriage Act, 1954.

Naveen Kumar s/o Late Sh. Ludermani, r/o Village Sadoh, P.O. Baryara Tehsil Kotli, District Mandi (H.P.) and Rashmi Devi d/o Late Sh. Ramesh, Village Gatarvag (Fatehwan), P.O. Talyahar, Tehsil Sadar, District Mandi (H.P.) (at present wife of Naveen Kumar s/o Late Sh. Ludermani, r/o Village Sadoh, P.O. Baryara Tehsil Kotli, District Mandi (H.P.)) have filed an

application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 21-02-2020 according to Hindu rites and customs at their respective houses, and they are living together as husband and wife since then. Hence, their marriage may be registered under special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 12-12-2020 after that no objection will be entertained and marriage will be registered.

Issued today on 13th day of November, 2020 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar, District Mandi (H.P.).*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,
District Mandi (H.P.)**

In the matter of :

1. Chander Uday Singh s/o Sh. Amar Singh, Village Saklani, Niwas House No. 305/2/1, Ward No.2, Wasani, P.O. Purani Mandi, Tehsil Sadar, District Mandi (H.P.).

2. Bandna d/o Sh. Maan Singh, r/o H. No. 266/2 Sundernagar, P.O. & Tehsil Sundernagar, District Mandi (H.P.) . . Applicants.

Versus

General Public

Subject.—Application for the registration of Marriage under section 15 of Special Marriage Act, 1954.

Chander Uday Singh s/o Sh. Amar Singh, Village Saklani, Niwas House No. 305/2/1, Ward No.2, Wasani, P.O. Purani Mandi, Tehsil Sadar, District Mandi (H.P.) and Bandna d/o Sh. Maan Singh, r/o H. No. 266/2 Sundernagar, P.O. & Tehsil Sundernagar, District Mandi (H.P.) (at present wife of Chander Uday Singh s/o Sh. Amar Singh, Village Saklani, Niwas House No. 305/2/1, Ward No.2, Wasani, P.O. Purani Mandi, Tehsil Sadar, District Mandi (H.P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 02-07-2020 according to Hindu rites and customs at their respective houses, and they are living together as husband and wife since then. Hence, their marriage may be registered under special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 12-12-2020 after that no objection will be entertained and marriage will be registered.

Issued today on 13th day of November, 2020 under my hand and seal of the court.

Seal.

Sd/-
Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar, District Mandi (H.P.).

In the Court of Sh. Anil Kumar Bhardwaj (HPAS), Marriage Officer-cum-Sub-Divisional Magistrate, Chachyot at Gohar, District Mandi, H. P.

In the matter of :

1. Sh. Tikkam Singh s/o Sh. Hari Singh, r/o Badan, P.O. Jach, Tehsil Chachyot, District Mandi, H.P.
 2. Smt. Geeta Budha d/o Saune Budha, V.P.O. Syanla, District Rukam, Nepal.
- . . Applicants.

Versus

General Public

Subject.—Proclamation for the registration of Marriage under section 15 of Special Marriage Act, 1954.

Sh. Tikkam Singh and Smt. Geeta Budha have filed an application on 21-11-2020 along with affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 06-02-2019 and they are living as husband and wife since then and hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 28-12-2020. The objection received after 28-12-2020 will not be entertained and marriage will be registered accordingly.

Issued today on 23-11-2020 under my hand and seal of the court.

Seal.

Sd/-
Marriage Officer-cum-Sub-Divisional Magistrate,
Chachyot at Gohar, District Mandi (H.P.).

ब अदालत सहायक समाहर्ता द्वितीय श्रेणी, उप-तहसील धामी, जिला शिमला, हि0 प्र0

दरखास्त संख्या : 17 / 2020

तारीख मजरूआ : 17-11-2020

तारीख पेशी : 28-11-2020

श्री मोती लाल पुत्र श्री अभी राम, निवासी छटेरा, डाकघर शकराह, उप-तहसील धामी, जिला शिमला, हि0 प्र0।

बनाम

1. आम जनता
2. प्रधान ग्राम पंचायत थाची

विषय.—प्रार्थी की सास की मृत्यु तिथि ग्राम पंचायत थाची के जन्म व मृत्यु पंजीकरण रजिस्टर में दर्ज करवाये जाने बारे की अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत मृत्यु पंजीकरण करवाने बारे।

हर खास व आम जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी श्री मोती लाल पुत्र श्री अभी राम ने अधोहस्ताक्षरी के न्यायालय में एक आवेदन-पत्र प्रस्तुत किया है कि उसने अपनी सास की मृत्यु तिथि ग्राम पंचायत के जन्म/मृत्यु पंजीकरण रजिस्टर में दर्ज नहीं करवाई है। अब प्रार्थी अपनी सास की मृत्यु तिथि ग्राम पंचायत थाची के मृत्यु पंजीकरण रजिस्टर में दर्ज करवाना चाहता है।

क्रम संख्या	नाम	सम्बन्ध	मृत्यु तिथि
1.	मैगलु	सास	08-10-1999

अतः ग्राम पंचायत थाची, उप-तहसील धामी की जनता को बजरिया इश्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त मृत्यु पंजीकरण बारे कोई आपत्ति हो तो वह दिनांक 28-12-2020 को या इससे पूर्व असालतन या वकालतन हाजिर अदालत आकर अपनी आपत्ति प्रस्तुत करें अन्यथा आवेदन-पत्र पर मृत्यु पंजीकरण आदेश पारित करके सचिव, ग्राम पंचायत थाची को आगामी कार्यान्वयन हेतु भेज दिया जाएगा।

आज तारीख 28-11-2020 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित /—
सहायक समाहर्ता द्वितीय श्रेणी,
उप-तहसील धामी, जिला शिमला, हि० प्र०।

ब अदालत डॉ० वरुण गुलाटी, कार्यकारी दण्डाधिकारी, तहसील रोहडू, जिला शिमला,
हिमाचल प्रदेश

श्रीमती उमेश पत्नी श्री देवकी नन्दन, निवासी समाला, डाकघर व तहसील रोहडू, जिला शिमला, हिमाचल प्रदेश

बनाम

आम जनता

उनवान मुकद्दमा.—दरखास्त जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

इस अदालत में श्रीमती उमेश पत्नी श्री देवकी नन्दन, निवासी समाला, डाकघर व तहसील रोहडू, जिला शिमला, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि उनके पुत्र यशपाल का जन्म दिनांक 01-02-2000 को हुआ है परन्तु अज्ञानतावश उसकी जन्म तिथि को ग्राम पंचायत करालश के जन्म रजिस्टर में आज तक पंजीकृत नहीं करवाया गया है तथा उसकी जन्म तिथि को दर्ज करने के आदेश ग्राम पंचायत करालश को दिये जावें।

उपरोक्त प्रार्थना-पत्र के सम्बन्ध में आम जनता को बजरिया इशतहार राजपत्र हि0 प्र0 में प्रकाशन कर सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस नाम के पंजीकरण बारे किसी भी प्रकार का एतराज व उजर हो तो वह दिनांक 23-12-2020 तक असालतन/वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करे। यदि उक्त तारीख तक कोई उजर/एतराज प्रस्तुत नहीं हुआ तो यह समझा जावेगा कि प्रार्थिया के पुत्र यशपाल की जन्म तिथि व नाम ग्राम पंचायत करालश में दर्ज करने हेतु कोई आपत्ति नहीं है तथा जन्म तिथि व नाम ग्राम पंचायत करालश में दर्ज करने के आदेश पारित कर दिये जाएंगे।

आज तारीख 23-11-2020 को हमारे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

वरुण गुलाटी,
कार्यकारी दण्डाधिकारी रोहडू,
जिला शिमला (हि0 प्र0)।

ब अदालत डॉ0 वरुण गुलाटी, कार्यकारी दण्डाधिकारी, तहसील रोहडू, जिला शिमला,
हिमाचल प्रदेश

श्री उमेश पत्नी श्री देवकी नन्दन, निवासी समाला, डाकघर व तहसील रोहडू, जिला शिमला, हिमाचल प्रदेश प्रार्थिया।

बनाम

आम जनता

उनवान मुकद्दमा.—दरखास्त जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

इस अदालत में श्रीमती उमेश पत्नी श्री देवकी नन्दन, निवासी समाला, डाकघर व तहसील रोहडू, जिला शिमला, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि उनकी पुत्री निकिता का जन्म दिनांक 02-09-1995 को हुआ है परन्तु अज्ञानतावश उसकी जन्म तिथि को ग्राम पंचायत करालश के जन्म रजिस्टर में आज तक पंजीकृत नहीं करवाया गया है तथा उसकी जन्म तिथि को दर्ज करने के आदेश ग्राम पंचायत करालश को दिये जावें।

उपरोक्त प्रार्थना-पत्र के सम्बन्ध में आम जनता को बजरिया इशतहार राजपत्र हि0 प्र0 में प्रकाशन कर सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस नाम के पंजीकरण बारे किसी भी प्रकार का एतराज व उजर हो तो वह दिनांक 23-12-2020 तक असालतन/वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करे। यदि उक्त तारीख तक कोई उजर/एतराज प्रस्तुत नहीं हुआ तो यह समझा जावेगा कि प्रार्थिया की पुत्री निकिता की जन्म तिथि व नाम ग्राम पंचायत करालश में दर्ज करने हेतु कोई आपत्ति नहीं है तथा जन्म तिथि व नाम ग्राम पंचायत करालश में दर्ज करने के आदेश पारित कर दिये जाएंगे।

आज तारीख 23-11-2020 को हमारे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

वरुण गुलाटी,
कार्यकारी दण्डाधिकारी रोहडू,
जिला शिमला (हि0 प्र0)।